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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,598	04/26/2000	Keiji Maeda	Q58920	1083

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2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

EXAMINER

NGUYEN, ALAN V

ART UNIT PAPER NUMBER

2662

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/558,598

Applicant(s)

MAEDA, KEIJI

Examiner

Alan Nguyen

Art Unit

2662

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment 1 on the following page.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment 1.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-40.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: _____


JOHN PEZZULLO
PRIMARY EXAMINER

1. Applicant's arguments filed 02 September 2004 have been fully considered but does not overcome the rejection for the following reasons:

In response to Applicant's argument that the motivation used to reject claim 1 is improper because it does not provide an objective reason to combine, and the interpretation of "integrity check", the Examiner respectfully disagrees. Petersen discloses an entire ATM cell must go through an integrity check, where the integrity check is made on the cell header. Of the check fails, the cell is not selected to continue being transferred. Petersen discloses an importance to conserving bandwidth (see col 2 lines 15-25). One would have been motivated to have a selection process at a stage where data is received by the sending entity, because checking for errors early in the process would prevent corrupted data from reaching the network, thus saving precious bandwidth. Thus the Examiner believes the rejection is proper.

In response to Applicant's argument of **claim 40** that the Petersen reference fails to disclose the limitation "by comparing a channel number included in a header of each of the plurality of received packets with at least one pre-registered channel number". Petersen discloses the integrity check that corresponds to the above limitation. A check is made in the header of each ATM packet to determine the validity of the VP/VC, i.e. belongs to an established ATM connection. The established ATM connection of Petersen corresponds to the

“pre-registered channel number”. Thus the Examiner believes the rejection is proper.

In response to Applicant’s argument of **claims 3, 4, 16, 17, 29, and 30** that the Murakami reference fails to cure the deficient teachings of Petersen with respect to the claimed packet selecting section. In the above claims Petersen fails to disclose the use of time-stamping packets. Such use is known in the art for transmitting time-sensitive data. Petersen states the use of transferring time sensitive, voice-type data through the multiplexed signal, which translates to a serial manner. Murakami teaches the use of time stamps for multiplexed signals in order to track packets. It would have been obvious to one having ordinary skill in the art at the time of the invention for Petersen to utilize time stamps in the microcells and in the disassembling process, the motivation being the importance of transferring time-sensitive data by Petersen. Thus the Examiner believes the rejection is proper.

In response to Applicant’s argument of **claims 6, 7, 19, 20, 32, and 33** that the Laubach reference fails to cure the deficient teachings of Petersen with respect to the claimed packet selecting section. Petersen does not disclose the use of the IEEE 1394 format, both on the input and output. Laubach discloses converting 1394 formatted data into ATM packets for transmission over an ATM network. See column 15 line 47-column 16 line 25. It is inherent in 1394 that the packets are isochronous--it is part of the 1394 standard. It would have been

obvious to one having ordinary skill in the art at the time of the invention to use 1394 formatted data as the user in Petersen. One would have been motivated to do this because in a home network environment, to send form one device to another, it is helpful to convert the data format to ATM so that other machines can read the data. Thus the Examiner believes the rejection is proper.